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Attorney Docket No. VPI/02-128 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/767,638
Confirmation No.: 5416
Filing Date: January 29, 2004
Examiner: Not Yet Assigned
Group art unit: 1625
Applicants: Charifson et al.
For: GYRASE INHIBITORS AND USES THEREOF

February 16, 2005
Cambridge, Massachusetts

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

(a) Pursuant to Rule 56, it is requested that the documents listed on the accompanying 1449 form be considered and made of record in the above-identified patent application. Copies of references B1-2 and C1-3 are attached.

(b) ☒ No fee is believed due because:

- ☐ The Information Disclosure Statement is being filed within three (3) months of the filing date of the application.
- ☐ The Information Disclosure Statement is being concurrently filed with the above-identified application.
- ☐ The Information Disclosure Statement is being concurrently filed with a Request for Continued Examination (RCE).
- ☒ The Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits.

(c) ☐ The Information Disclosure Statement is being filed before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

Applicants: Charifson et al.
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- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement; or
- ☐ The Director is hereby authorized to charge \$180.00 to Deposit Account No. 50-0725.
- (d) ☐ The Information Disclosure Statement is being filed on or before the payment of the issue fee; and
- ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement; and
- ☐ The Director is hereby authorized to charge \$180.00 to Deposit Account No. 50-0725.
- ☒ The Director is hereby authorized to charge any additional fees that may be required for the Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0725. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

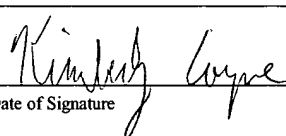
Applicants: Charifson et al.
Application No.: 10/767,638

Respectfully submitted,



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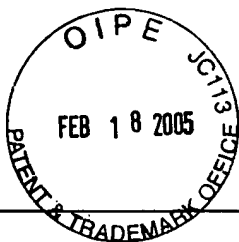
On February 16, 2005.
Date

1. Information Disclosure Statement (3 pages, in duplicate);
2. PTO-1449 Form (1 page, in duplicate);
3. Copy of References (B1-2, C1-3): and
4. Return Postcard Receipt.



Signature

Kimberly A. Coyne
Typed or printed name of person signing Certificate



Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	10/767,638
	Filing Date	January 29, 2004
	First Named Inventor	Paul S. Charifson
	Group Art Unit	1625
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	VPI/02-128 US

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	
	B1	WO	02/060879	Vertex Pharmaceuticals, Inc.	8 August 2002		
	B2	WO	03/105846	Vertex Pharmaceuticals, Inc.	24 December 2003		

OTHER NONPATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Kus et al., "Synthesis and Antimicrobial Activities of 5-fluoro-1,2,6-trisubstituted Benzimidazole Carboxamide and Acetamide Derivatives" Arch. Pharm. Pharm. Med. Chem., Vol. 334, No. 11, Pages 361-365, 2001.
	C2	Sun et al., "Synthesis and Evaluation of Terbenzimidazoles as Topoisomerase I Inhibitors" J. Med. Chem., Vol. 38, No. 18, Pages 3638-3644, 1995.
	C3	Hubschwerlen et al., "Pyrimido[1,6-a]benzimidazoles: A New Class of DNA Gyrase Inhibitors" J. Med. Chem. Vol. 35, No. 8, Pages 1385-1392, 1992.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, U.S.S.N. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.